

JUNE 27, 2019

RULES COMMITTEE PRINT 116-21
TEXT OF THE HOUSE AMENDMENT TO THE
SENATE AMENDMENT TO H.R. 3401

[Showing the text of the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019]

In lieu of the matter proposed to be inserted by the Senate, insert the following:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for the*
3 *fiscal year ending September 30, 2019, and for other pur-*
4 *poses, namely:*

5 *TITLE I*

6 *DEPARTMENT OF JUSTICE*

7 *GENERAL ADMINISTRATION*

8 *EXECUTIVE OFFICE FOR IMMIGRATION REVIEW*

9 *For an additional amount for “Executive Office for*
10 *Immigration Review”, \$65,000,000, of which \$45,000,000*
11 *shall be for the hiring of 30 additional Immigration Judge*
12 *Teams, of which \$10,000,000 shall be used for the purchase*
13 *or lease of immigration judge courtroom space and equip-*
14 *ment, and of which \$10,000,000 shall be used only for serv-*
15 *ices and activities provided by the Legal Orientation Pro-*

1 *gram: Provided, That Immigration Judge Teams shall in-*
2 *clude appropriate attorneys, law clerks, paralegals, court*
3 *administrators, and other support staff: Provided further,*
4 *That such amount is designated by the Congress as being*
5 *for an emergency requirement pursuant to section*
6 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
7 *Deficit Control Act of 1985.*

8 *UNITED STATES MARSHALS SERVICE*
9 *FEDERAL PRISONER DETENTION*

10 *For an additional amount for “Federal Prisoner De-*
11 *tention”, for necessary expenses related to United States*
12 *prisoners in the custody of the United States Marshals Serv-*
13 *ice, to be used only as authorized by section 4013 of title*
14 *18, United States Code, \$155,000,000, to remain available*
15 *until expended: Provided, That such amount is designated*
16 *by the Congress as being for an emergency requirement pur-*
17 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 *TITLE II*
20 *DEPARTMENT OF DEFENSE*
21 *OPERATION AND MAINTENANCE*
22 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*
23 *For an additional amount for “Operation and Mainte-*
24 *nance, Army National Guard”, \$21,024,000, for necessary*
25 *expenses to respond to the significant rise in unaccom-*

1 *panied minors at the southwest border and related activi-*
2 *ties: Provided, That such amount is designated by the Con-*
3 *gress as being for an emergency requirement pursuant to*
4 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
5 *gency Deficit Control Act of 1985.*

6

TITLE III

7

DEPARTMENT OF HOMELAND SECURITY

8

U.S. CUSTOMS AND BORDER PROTECTION

9

OPERATIONS AND SUPPORT

10 *For an additional amount for “Operations and Sup-*
11 *port” for necessary expenses to respond to the significant*
12 *rise in aliens at the southwest border and related activities,*
13 *\$1,215,431,000; of which \$1,019,950,000 shall be available*
14 *until September 30, 2020: Provided, That of the amounts*
15 *provided under this heading, \$708,000,000 is for estab-*
16 *lishing and operating migrant care and processing facili-*
17 *ties, \$111,950,000 is for consumables and medical care,*
18 *\$35,000,000 is for transportation, \$110,481,000 is for tem-*
19 *porary duty and overtime costs including reimbursements,*
20 *and \$50,000,000 is for mission support data systems and*
21 *analysis: Provided further, That such amount is designated*
22 *by the Congress as being for an emergency requirement pur-*
23 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
24 *Emergency Deficit Control Act of 1985.*

1 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
2 *Deficit Control Act of 1985*

3 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

4 *FEDERAL ASSISTANCE*

5 *For an additional amount for “Federal Assistance”,*
6 *\$60,000,000, to remain available until September 30, 2020,*
7 *for the emergency food and shelter program under title III*
8 *of the McKinney-Vento Homeless Assistance Act (42 U.S.C.*
9 *11331 et seq.) for the purposes of providing assistance to*
10 *aliens released from the custody of the Department of Home-*
11 *land Security: Provided, That notwithstanding sections 315*
12 *and 316(b) of such Act, funds made available under this*
13 *section shall be disbursed by the Emergency Food and Shel-*
14 *ter Program National Board not later than 30 days after*
15 *the date on which such funds become available: Provided*
16 *further, That the Emergency Food and Shelter Program*
17 *National Board shall distribute such funds only to jurisdic-*
18 *tions or local recipient organizations serving communities*
19 *that have experienced a significant influx of such aliens:*
20 *Provided further, That such funds may be used to reimburse*
21 *such jurisdictions or local recipient organizations for costs*
22 *incurred in providing services to such aliens on or after*
23 *January 1, 2019: Provided further, That such amount is*
24 *designated by the Congress as being for an emergency re-*

1 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
2 *anced Budget and Emergency Deficit Control Act of 1985.*

3 **GENERAL PROVISIONS—THIS TITLE**

4 *SEC. 301. Notwithstanding any other provision of law,*
5 *funds made available under each heading in this title shall*
6 *only be used for the purposes specifically described under*
7 *that heading.*

8 *SEC. 302. Division A of the Consolidated Appropria-*
9 *tions Act, 2019 (Public Law 116–6) is amended by adding*
10 *after section 540 the following:*

11 *“SEC. 541. (a) Section 831 of the Homeland Security*
12 *Act of 2002 (6 U.S.C. 391) shall be applied—*

13 *“(1) In subsection (a), by substituting ‘Sep-*
14 *tember 30, 2019,’ for ‘September 30, 2017,’; and*

15 *“(2) In subsection (c)(1), by substituting ‘Sep-*
16 *tember 30, 2019,’ for ‘September 30, 2017’.*

17 *“(b) The Secretary of Homeland Security, under the*
18 *authority of section 831 of the Homeland Security Act of*
19 *2002 (6 U.S.C. 391(a)), may carry out prototype projects*
20 *under section 2371b of title 10, United States Code, and*
21 *the Secretary shall perform the functions of the Secretary*
22 *of Defense as prescribed.*

23 *“(c) The Secretary of Homeland Security under sec-*
24 *tion 831 of the Homeland Security Act of 2002 (6 U.S.C.*
25 *391(d)) may use the definition of nontraditional govern-*

1 *ment contractor as defined in section 2371b(e) of title 10,*
2 *United States Code.”.*

3 *SEC. 303. None of the funds provided in this Act under*
4 *“U.S. Customs and Border Protection—Operations and*
5 *Support” for facilities shall be available until U.S. Customs*
6 *and Border Protection establishes policies (via directive,*
7 *procedures, guidance, and/or memorandum) and training*
8 *programs to ensure that such facilities adhere to the Na-*
9 *tional Standards on Transport, Escort, Detention, and*
10 *Search, published in October of 2015: Provided, That not*
11 *later than 90 days after the date of enactment of this Act,*
12 *U.S. Customs and Border Protection shall provide a de-*
13 *tailed report to the Committees on Appropriations of the*
14 *Senate and the House of Representatives, the Committee on*
15 *the Judiciary of the Senate, and the House Judiciary Com-*
16 *mittee regarding the establishment and implementation of*
17 *such policies and training programs.*

18 *SEC. 304. No later than 30 days after the date of enact-*
19 *ment of this Act, the Secretary of Homeland Security shall*
20 *provide a report on the number of U.S. Customs and Border*
21 *Protection Officers assigned to northern border land ports*
22 *of entry and temporarily assigned to the ongoing humani-*
23 *tarian crisis: Provided, That the report shall outline what*
24 *resources and conditions would allow a return to northern*
25 *border staffing levels that are no less than the number com-*

1 *mitted in the June 12, 2018 Department of Homeland Se-*
2 *curity Northern Border Strategy: Provided further, That*
3 *the report shall include the number of officers temporarily*
4 *assigned to the southwest border in response to the ongoing*
5 *humanitarian crisis, the number of days the officers will*
6 *be away from their northern border assignment, the north-*
7 *ern border ports from which officers are being assigned to*
8 *the southwest border, and efforts being made to limit the*
9 *impact on operations at each northern border land port of*
10 *entry where officers have been temporarily assigned to the*
11 *southwest border.*

12 *SEC. 305. None of the funds appropriated or otherwise*
13 *made available by this Act or division A of the Consolidated*
14 *Appropriations Act, 2019 (Public Law 116–6) for the De-*
15 *partment of Homeland Security may be used to relocate*
16 *to the National Targeting Center the vetting of Trusted*
17 *Traveler Program applications and operations currently*
18 *carried out at existing locations unless specifically author-*
19 *ized by a statute enacted after the date of enactment of this*
20 *Act.*

21 *SEC. 306. (a) Of the additional amount provided*
22 *under “U.S. Customs and Border Protection—Operations*
23 *and Support”, \$200,000,000 is for a multi-agency, inte-*
24 *grated, migrant processing center pilot program for family*

1 *units and unaccompanied alien children, including the fol-*
2 *lowing:*

3 (1) *Ongoing assessment and treatment efforts for*
4 *physical or mental health conditions, including devel-*
5 *opment of a support plan and services for each mem-*
6 *ber of a vulnerable population.*

7 (2) *Assessments of child protection and welfare*
8 *needs.*

9 (3) *Food, shelter, hygiene services and supplies,*
10 *clothing, and activities appropriate for the non-penal,*
11 *civil detention of families.*

12 (4) *Personnel with appropriate training on car-*
13 *ing for families and vulnerable populations in a civil*
14 *detention environment.*

15 (5) *Free telephonic communication access, in-*
16 *cluding support for contacting family members.*

17 (6) *Direct access to legal orientation, legal rep-*
18 *resentation, and case management in private areas of*
19 *the center.*

20 (7) *Credible fear and reasonable fear interviews*
21 *conducted by U.S. Citizenship and Immigration*
22 *Services asylum officers in private areas of the center.*

23 (8) *Granting of asylum directly by U.S. Citizen-*
24 *ship and Immigration Services for manifestly well-*
25 *founded or clearly meritorious cases.*

1 (9) *For family units not found removable prior*
2 *to departure from the center—*

3 (A) *release on own recognizance or place-*
4 *ment in alternatives to detention with case man-*
5 *agement; and*

6 (B) *coordinated transport to a respite shel-*
7 *ter or city of final destination.*

8 (10) *For family units found removable prior to*
9 *departure from the center, safe return planning sup-*
10 *port by an immigration case manager, including a*
11 *consular visit to assist with reintegration.*

12 (11) *On-site operational support by non-govern-*
13 *mental organizations for the identification and pro-*
14 *tection of vulnerable populations.*

15 (b) *The Secretary shall notify the Committees on Ap-*
16 *propriations of the Senate and the House of Representatives*
17 *within 24 hours of any—*

18 (1) *unaccompanied child placed in the pilot pro-*
19 *gram whose time in Department of Homeland Secu-*
20 *rity custody exceeds 72 hours; and*

21 (2) *family unit placed in the pilot program*
22 *whose time in such custody exceed exceeds 9 days.*

23 (c) *Prior to the obligation of the amount identified in*
24 *subsection (a), but not later than 30 days after the date*
25 *of enactment of this Act, the Secretary shall submit a plan*

1 *for the implementation of the pilot program to the Commit-*
2 *tees on Appropriations of the Senate and the House of Rep-*
3 *resentatives which shall include a definition of vulnerable*
4 *populations.*

5 *SEC. 307. Not later than 30 days after the date of en-*
6 *actment of this Act, the Secretary of Homeland Security*
7 *shall establish final plans, standards, and protocols to pro-*
8 *tect the health and safety of individuals in the custody of*
9 *U.S. Customs and Border Protection, which shall include—*

10 *(1) standards and response protocols for medical*
11 *assessments and medical emergencies;*

12 *(2) requirements for ensuring the provision of*
13 *water, appropriate nutrition, hygiene, and sanitation*
14 *needs;*

15 *(3) standards for temporary holding facilities*
16 *that adhere to best practices for the care of children,*
17 *which shall be in compliance with the relevant rec-*
18 *ommendations in the Policy Statement of the Amer-*
19 *ican Academy of Pediatrics entitled, “Detention of*
20 *Immigrant Children”;*

21 *(4) protocols for responding to surges of migrants*
22 *crossing the southern border or arriving at land ports*
23 *of entry; and*

1 transferred to the Director of the Office of Refugee Resettle-
2 ment (ORR) under section 462 of the Homeland Security
3 Act of 2002, shall remain available until expended: Pro-
4 vided further, That ORR shall notify the Committees on
5 Appropriations of the House of Representatives and the
6 Senate within 72 hours of conducting a formal assessment
7 of a facility for possible lease or acquisition and within 7
8 days of any acquisition or lease of real property: Provided
9 further, That not less than \$866,000,000 of amounts pro-
10 vided under this heading shall be used for the provision of
11 care in licensed shelters and for expanding the supply of
12 shelters for which State licensure will be sought, of which
13 not less than \$27,000,000 shall be available for the purposes
14 of adding shelter beds in State-licensed facilities in response
15 to funding opportunity HHS-2017-ACF-ORR-ZU-1132,
16 and of which not less than \$185,000,000 shall be available
17 for expansion grants to add beds in State-licensed facilities
18 and open new State-licensed facilities, and for contract
19 costs to acquire, activate, and operate facilities that will
20 include small- and medium-scale hard-sided facilities for
21 which the Secretary intends to seek State licensure in an
22 effort to phase out the need for shelter beds in unlicensed
23 facilities: Provided further, That not less than \$100,000,000
24 of amounts provided under this heading shall be used for
25 post-release services, child advocates, and legal services:

1 *Provided further, That not less than \$8,000,000 of amounts*
2 *provided under this heading shall be used for the purposes*
3 *of hiring additional Federal Field Specialists and for in-*
4 *creasing case management and case coordination services,*
5 *with the goal of more expeditiously placing unaccompanied*
6 *alien children with sponsors and reducing the length of stay*
7 *in ORR custody: Provided further, That not less than*
8 *\$1,000,000 of amounts provided under this heading shall*
9 *be used for the purposes of hiring project officers and pro-*
10 *gram monitor staff dedicated to pursuing strategic improve-*
11 *ments to the Unaccompanied Alien Children program and*
12 *for the development of a discharge rate improvement plan*
13 *which shall be submitted to the Committees on Appropria-*
14 *tions of the House of Representatives and the Senate within*
15 *120 days of enactment of this Act: Provided further, That*
16 *of the amounts provided under this heading, \$5,000,000*
17 *shall be transferred to “Office of the Secretary—Office of*
18 *Inspector General” and shall remain available until ex-*
19 *pended for oversight of activities supported with funds ap-*
20 *propriated under this heading: Provided further, That such*
21 *amount is designated by the Congress as being for an emer-*
22 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
23 *the Balanced Budget and Emergency Deficit Control Act*
24 *of 1985.*

1 *GENERAL PROVISIONS—THIS TITLE*

2 *SEC. 401. The Secretary of Health and Human Serv-*
3 *ices (the “Secretary”) shall prioritize use of community-*
4 *based residential care (including long-term and transi-*
5 *tional foster care and small group homes) and shelter care*
6 *other than large-scale institutional shelter facilities to house*
7 *unaccompanied alien children in its custody. The Secretary*
8 *shall prioritize State-licensed and hard-sided dormitories.*

9 *SEC. 402. The Office of Refugee Resettlement shall en-*
10 *sure that its grantees and, to the greatest extent practicable,*
11 *potential sponsors of unaccompanied alien children are*
12 *aware of current law regarding the use of information col-*
13 *lected as part of the sponsor suitability determination proc-*
14 *ess.*

15 *SEC. 403. (a) None of the funds provided by this or*
16 *any prior appropriations Act may be used to reverse*
17 *changes in procedures made by operational directives issued*
18 *to providers by the Office of Refugee Resettlement on Decem-*
19 *ber 18, 2018, March 23, 2019, and June 10, 2019 regarding*
20 *the Memorandum of Agreement on Information Sharing ex-*
21 *ecuted April 13, 2018.*

22 *(b) Notwithstanding subsection (a), the Secretary may*
23 *make changes to such operational directives upon making*
24 *a determination that such changes are necessary to prevent*
25 *unaccompanied alien children from being placed in danger,*

1 *and the Secretary shall provide a written justification to*
2 *Congress and the Inspector General of the Department of*
3 *Health and Human Services in advance of implementing*
4 *such changes.*

5 *(c) Within 15 days of the Secretary’s communication*
6 *of the justification, the Inspector General of the Department*
7 *of Health and Human Services shall provide an assessment,*
8 *in writing, to the Secretary and to Committees on Appro-*
9 *priations of the House of Representatives and the Senate*
10 *of whether such changes to operational directives are nec-*
11 *essary to prevent unaccompanied children from being*
12 *placed in danger.*

13 *SEC. 404. None of the funds made available in this*
14 *Act under the heading “Department of Health and Human*
15 *Services—Administration for Children and Families—Ref-*
16 *ugee and Entrant Assistance” may be obligated to a grantee*
17 *or contractor to house unaccompanied alien children (as*
18 *such term is defined in section 462(g)(2) of the Homeland*
19 *Security Act of 2002 (6 U.S.C. 279(g)(2))) in any facility*
20 *that is not State-licensed for the care of unaccompanied*
21 *alien children, except in the case that the Secretary of*
22 *Health and Human Services (the “Secretary”) determines*
23 *that housing unaccompanied alien children in such a facil-*
24 *ity is necessary on a temporary basis due to an influx of*
25 *such children or an emergency: Provided, That—*

1 (1) *the terms of the grant or contract for the op-*
2 *erations of any such facility that remains in oper-*
3 *ation for more than six consecutive months shall re-*
4 *quire compliance with—*

5 (A) *the same requirements as licensed place-*
6 *ments, as listed in Exhibit 1 of the Flores Settle-*
7 *ment Agreement, regardless of the status of the*
8 *underlying settlement agreement;*

9 (B) *staffing ratios of 1 on-duty Youth Care*
10 *Worker for every 8 children or youth during*
11 *waking hours, 1 on-duty Youth Care Worker for*
12 *every 16 children or youth during sleeping hours,*
13 *and clinician ratios to children (including men-*
14 *tal health providers) as required in grantee coop-*
15 *erative agreements; and*

16 (C) *access provided to legal services;*

17 (2) *the Secretary may grant a 60-day waiver for*
18 *a contractor's or grantee's non-compliance with para-*
19 *graph (1) if the Secretary certifies and provides a re-*
20 *port to Congress on the contractor's or grantee's good-*
21 *faith efforts and progress towards compliance and the*
22 *report specifies each requirement referenced in para-*
23 *graph (1) that is being waived for 60 days;*

24 (3) *the Secretary shall not utilize the waiver au-*
25 *thority described in paragraph (2) to waive require-*

1 *ments for grantees or contractors to provide or ar-*
2 *range for the following services—*

3 *(A) proper physical care and maintenance,*
4 *including suitable living accommodations, food,*
5 *appropriate clothing, and personal grooming*
6 *items;*

7 *(B) a complete medical examination (in-*
8 *cluding screening for infectious diseases) within*
9 *48 hours of admission, unless the minor was re-*
10 *cently examined at another facility;*

11 *(C) appropriate routine medical and dental*
12 *care;*

13 *(D) at least one individual counseling ses-*
14 *sion per week conducted by trained social work*
15 *staff with the specific objectives of reviewing a*
16 *minor's progress, establishing new short term ob-*
17 *jectives, and addressing both the developmental*
18 *and crisis-related needs of each minor;*

19 *(E) educational services appropriate to the*
20 *minor's level of development, and communication*
21 *skills in a structured classroom setting, Monday*
22 *through Friday, which concentrates primarily on*
23 *the development of basic academic competencies*
24 *and secondarily on English Language Training;*

1 (F) activities according to a leisure time
2 plan which shall include daily outdoor activity,
3 weather permitting, at least one hour per day of
4 large muscle activity and one hour per day of
5 structured leisure time activities (this should not
6 include time spent watching television). Activi-
7 ties should be increased to three hours on days
8 when school is not in session;

9 (G) whenever possible, access to religious
10 services of the minor's choice;

11 (H) visitation and contact with family
12 members (regardless of their immigration status)
13 which is structured to encourage such visitation.
14 The staff shall respect the minor's privacy while
15 reasonably preventing the unauthorized release of
16 the minor;

17 (I) family reunification services designed to
18 identify relatives in the United States as well as
19 in foreign countries and assistance in obtaining
20 legal guardianship when necessary for the release
21 of the minor; and

22 (J) legal services information regarding the
23 availability of free legal assistance, the right to
24 be represented by counsel at no expense to the
25 government, the right to a deportation or exclu-

1 *sion hearing before an immigration judge, the*
2 *right to apply for political asylum or to request*
3 *voluntary departure in lieu of deportation;*

4 *(4) if the Secretary determines that a contractor*
5 *or grantee is not in compliance with any of the re-*
6 *quirements set forth in paragraph (3) within six*
7 *months of the date of enactment of this Act, the Sec-*
8 *retary shall not permit such contractor or grantee to*
9 *continue to provide services beyond a reasonable pe-*
10 *riod, not to exceed 60 days, needed to award a con-*
11 *tract or grant to a new service provider, and the in-*
12 *cumbent contractor or grantee shall not be eligible to*
13 *compete for the new contract or grant;*

14 *(5) not more than three consecutive waivers*
15 *under paragraph (2) may be granted to a contractor*
16 *or grantee with respect to a specific facility;*

17 *(6) ORR shall ensure full adherence to the moni-*
18 *toring requirements set forth in section 5.5 of its Poli-*
19 *cies and Procedures Guide as of June 15, 2019;*

20 *(7) for any such unlicensed facility in operation*
21 *for more than three consecutive months, ORR shall*
22 *conduct a minimum of one comprehensive monitoring*
23 *visit during the first three months of operation, with*
24 *quarterly monitoring visits thereafter;*

1 (8) *not later than 60 days after the date of en-*
2 *actment of this Act, ORR shall brief the Committees*
3 *on Appropriations of the House of Representatives*
4 *and the Senate outlining the requirements of ORR for*
5 *influx facilities; and*

6 (9) *the amounts provided by this section are des-*
7 *ignated by the Congress as being for an emergency re-*
8 *quirement pursuant to section 251(b)(2)(A)(i) of the*
9 *Balanced Budget and Emergency Deficit Control Act*
10 *of 1985.*

11 *SEC. 405. In addition to the existing Congressional no-*
12 *tification for formal site assessments of potential influx fa-*
13 *cilities, the Secretary shall notify the Committees on Appro-*
14 *priations of the House of Representatives and the Senate*
15 *at least 15 days before operationalizing an unlicensed facil-*
16 *ity, and shall (1) specify whether the facility is hard-sided*
17 *or soft-sided, and (2) provide analysis that indicates that,*
18 *in the absence of the influx facility, the likely outcome is*
19 *that unaccompanied alien children will remain in the cus-*
20 *tody of the Department of Homeland Security for longer*
21 *than 72 hours or that unaccompanied alien children will*
22 *be otherwise placed in danger. Within 60 days of bringing*
23 *such a facility online, and monthly thereafter, the Secretary*
24 *shall provide to the Committees on Appropriations of the*
25 *House of Representatives and the Senate a report detailing*

1 *the total number of children in care at the facility, the aver-*
2 *age length of stay and average length of care of children*
3 *at the facility, and, for any child that has been at the facil-*
4 *ity for more than 60 days, their length of stay and reason*
5 *for delay in release.*

6 *SEC. 406. (a) The Secretary shall ensure that, when*
7 *feasible, no unaccompanied alien child is at an unlicensed*
8 *facility if the child—*

9 *(1) is not expected to be placed with a sponsor*
10 *within 30 days;*

11 *(2) is under the age of 13;*

12 *(3) does not speak English or Spanish as his or*
13 *her preferred language;*

14 *(4) has known special needs, behavioral health*
15 *issues, or medical issues that would be better served*
16 *at an alternative facility;*

17 *(5) is a pregnant or parenting teen; or*

18 *(6) would have a diminution of legal services as*
19 *a result of the transfer to such an unlicensed facility.*

20 *(b) ORR shall notify a child's attorney of record in*
21 *advance of any transfer, where applicable.*

22 *SEC. 407. None of the funds made available in this*
23 *Act may be used to prevent a United States Senator or*
24 *Member of the House of Representatives from entering, for*
25 *the purpose of conducting oversight, any facility in the*

1 *United States used for the purpose of maintaining custody*
2 *of, or otherwise housing, unaccompanied alien children (as*
3 *defined in section 462(g)(2) of the Homeland Security Act*
4 *of 2002 (6 U.S.C. 279(g)(2))), provided that nothing in this*
5 *section shall be construed to require such a Senator or Mem-*
6 *ber to provide prior notice of the intent to enter such a*
7 *facility for such purpose.*

8 *SEC. 408. Not later than 14 days after the date of en-*
9 *actment of this Act, and monthly thereafter, the Secretary*
10 *shall submit to the Committees on Appropriations of the*
11 *House of Representatives and the Senate, and make pub-*
12 *licly available online, a report with respect to children who*
13 *were separated from their parents or legal guardians by the*
14 *Department of Homeland Security (DHS) (regardless of*
15 *whether or not such separation was pursuant to an option*
16 *selected by the children, parents, or guardians), subse-*
17 *quently classified as unaccompanied alien children, and*
18 *transferred to the care and custody of ORR during the pre-*
19 *vious month. Each report shall contain the following infor-*
20 *mation:*

21 *(1) the number and ages of children so separated*
22 *subsequent to apprehension at or between ports of*
23 *entry, to be reported by sector where separation oc-*
24 *curred; and*

1 (2) *the documented cause of separation, as re-*
2 *ported by DHS when each child was referred.*

3 *SEC. 409. Funds made available in this Act under the*
4 *heading “Department of Health and Human Services—Ad-*
5 *ministration for Children and Families—Refugee and En-*
6 *trant Assistance” shall be subject to the authorities and con-*
7 *ditions of section 224 of division A of the Consolidated Ap-*
8 *propriations Act, 2019 (Public Law 116–6).*

9 *SEC. 410. Not later than 30 days after the date of en-*
10 *actment of this Act, the Secretary shall submit to the Com-*
11 *mittees on Appropriations of the House of Representatives*
12 *and the Senate a detailed spend plan of anticipated uses*
13 *of funds made available in this account, including the fol-*
14 *lowing: a list of existing grants and contracts for both per-*
15 *manent and influx facilities, including their costs, capacity,*
16 *and timelines; costs for expanding capacity through the use*
17 *of community-based residential care placements (including*
18 *long-term and transitional foster care and small group*
19 *homes) through new or modified grants and contracts; cur-*
20 *rent and planned efforts to expand small-scale shelters and*
21 *available foster care placements, including collaboration*
22 *with state child welfare providers; influx facilities being as-*
23 *essed for possible use, costs and services to be provided for*
24 *legal services, child advocates, and post release services; pro-*
25 *gram administration; and the average number of weekly re-*

1 *ferrals and discharge rate assumed in the spend plan: Pro-*
2 *vided, That such plan shall be updated to reflect changes*
3 *and expenditures and submitted to the Committees on Ap-*
4 *propriations of the House of Representatives and the Senate*
5 *every 60 days until all funds are expended or expired.*

6 *SEC. 411. The Secretary is directed to report the death*
7 *of any unaccompanied alien child in Office of Refugee Re-*
8 *settlement (ORR) custody or in the custody of any grantee*
9 *on behalf of ORR within 24 hours, including relevant de-*
10 *tails regarding the circumstances of the fatality, to the Com-*
11 *mittees on Appropriations of the House of Representatives*
12 *and the Senate.*

13 *SEC. 412. Notwithstanding any other provision of law,*
14 *funds made available in this Act under the heading “De-*
15 *partment of Health and Human Services—Administration*
16 *for Children and Families—Refugee and Entrant Assist-*
17 *ance” shall only be used for the purposes specifically de-*
18 *scribed under that heading.*

19 *SEC. 413. (a) The Secretary of Health and Human*
20 *Services shall ensure that no unaccompanied alien child (as*
21 *defined in section 462(g)(2) of the Homeland Security Act*
22 *of 2002 (6 U.S.C. 279(g)(2))) spends more than 90 days,*
23 *in the aggregate, at an unlicensed facility.*

24 *(b) Not later than 45 days after the date of enactment*
25 *of this Act, the Secretary shall ensure transfer to a State-*

1 *licensed facility for any unaccompanied alien child who has*
2 *been at an unlicensed facility for longer than 90 days.*

3 *(c) Subsections (a) and (b) shall not apply to an unac-*
4 *companied alien child when the Secretary determines that*
5 *a potential sponsor had been identified and the unaccom-*
6 *panied alien child is expected to be placed with the sponsor*
7 *within 30 days.*

8 *(d) Notwithstanding subsections (a) and (b), if the Sec-*
9 *retary determines there is insufficient space available at*
10 *State-licensed facilities to transfer an unaccompanied alien*
11 *child who has been at an unlicensed facility for longer than*
12 *90 days, the Secretary shall submit a written justification*
13 *to the Committees on Appropriations of the House of Rep-*
14 *resentatives and the Senate, and shall submit a summary*
15 *every two weeks, disaggregated by influx facility, on the*
16 *number of unaccompanied alien children at each influx fa-*
17 *cility longer than 90 days, with a summary of both the sta-*
18 *tus of placement and the transfer efforts for all children who*
19 *have been in care for longer than 90 days.*

20 *TITLE V*

21 *GENERAL PROVISIONS—THIS ACT*

22 *SEC. 501. Each amount appropriated or made avail-*
23 *able by this Act is in addition to amounts otherwise appro-*
24 *priated for the fiscal year involved.*

1 *SEC. 502. No part of any appropriation contained in*
2 *this Act shall remain available for obligation beyond the*
3 *current fiscal year unless expressly so provided herein.*

4 *SEC. 503. Unless otherwise provided for by this Act,*
5 *the additional amounts appropriated by this Act to appro-*
6 *priations accounts shall be available under the authorities*
7 *and conditions applicable to such appropriations accounts*
8 *for fiscal year 2019.*

9 *SEC. 504. Each amount designated in this Act by the*
10 *Congress as being for an emergency requirement pursuant*
11 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
12 *Emergency Deficit Control Act of 1985 shall be available*
13 *(or rescinded or transferred, if applicable) only if the Presi-*
14 *dent subsequently so designates all such amounts and trans-*
15 *mits such designations to the Congress.*

16 *SEC. 505. Any amount appropriated by this Act, des-*
17 *ignated by the Congress as an emergency requirement pur-*
18 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
19 *Emergency Deficit Control Act of 1985 and subsequently*
20 *so designated by the President, and transferred pursuant*
21 *to transfer authorities provided by this Act shall retain such*
22 *designation.*

23 *SEC. 506. Not later than 180 days after the date of*
24 *the enactment of this Act, the Comptroller General of the*
25 *United States shall submit a report to the Committees on*

1 *Appropriations of the House of Representatives and the*
2 *Senate on the number of asylum officers and immigration*
3 *judges, including temporary immigration judges, and the*
4 *corresponding number of support staff necessary—*

5 *(1) to fairly and effectively make credible fear*
6 *determinations with respect to individuals within*
7 *family units and unaccompanied alien children;*

8 *(2) to ensure that the credible fear determination*
9 *and asylum interview is completed not later than 20*
10 *days after the date on which a family unit is appre-*
11 *hended; and*

12 *(3) to fairly and effectively review appeals of*
13 *credible fear determinations with respect to individ-*
14 *uals within family units and unaccompanied alien*
15 *children.*

16 *In addition, the report shall determine if there is any phys-*
17 *ical infrastructure such as hearing or courtroom space need-*
18 *ed to achieve these goals.*

19 *This Act may be cited as the “Emergency Supple-*
20 *mental Appropriations for Humanitarian Assistance and*
21 *Security at the Southern Border Act, 2019”.*

